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OFFICE OF PETITIONS

In re Application of :
James M. Wilson et al :
Application No. 09/757,673 : **ON PETITION**
Filed: January 10, 2001 :
Attorney Docket No. GNVPN.019B1USA :

This is a decision on the petition under 37 CFR 1.137(b), filed October 19, 2005, to revive the above-identified application.

The petition is **GRANTED**.


The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 18, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 19, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of April 18, 2005 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1,020 extension of time submitted with the petition on October 19, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 1635.


Wan Laymon
Petitions Examiner
Office of Petitions